

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUAN TOVAR DELEON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:22-cv-00591-CDB (SS)

ORDER ON STIPULATION FOR AWARD
OF ATTORNEY FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT,
28 U.S.C. § 2412(d)

(Doc. 26)

ORDER DENYING AS MOOT PLAINTIFF'S
MOTION FOR ATTORNEY FEES

(Doc. 25)

Pending before the Court is the stipulated request of Plaintiff Juan Tovar Deleon ("Plaintiff") for the award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in the amount of \$6,300.00 to counsel for Plaintiff, Jonathan O. Peña.¹ (Doc. 26).

The parties agree that an award of attorney's fees to counsel for Plaintiff should be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the Commissioner shall cause the payment of fees, expenses, and costs to be made directly to Plaintiff's counsel, Jonathan O. Peña. *Id.* at 2.

On September 19, 2025, the Court granted Plaintiff's motion for summary judgment and

¹ Both parties have consented to the jurisdiction of a U.S. magistrate judge for all proceedings in this action, in accordance with 28 U.S.C. § 636(c)(1). (Docs. 14, 20).

1 remanded the action pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further
2 proceedings. (Doc. 23). Judgment was entered the same day. (Doc. 24). After filing a motion for
3 the award of attorney’s fees on December 18, 2025 (*see* Doc. 25), Plaintiff filed the pending
4 stipulation for attorney’s fees as a prevailing party. (Doc. 26). *See Shalala v. Schaefer*, 509 U.S.
5 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C.
6 § 405(g) is a prevailing party). Plaintiff’s filing is timely. *Van v. Barnhart*, 483 F.3d 600, 607 (9th
7 Cir. 2007).

8 The EAJA provides for an award of attorney fees to private litigants who both prevail in civil
9 actions (other than tort) against the United States and timely file a petition for fees. 28 U.S.C. §
10 2412(d)(1)(A). Under the EAJA, a court shall award attorney fees to the prevailing party unless it
11 finds the government’s position was “substantially justified or that special circumstances make such
12 an award unjust.” *Id.* Here, the government did not show its position was substantially justified
13 and the Court finds there are not special circumstances that would make an award unjust. Moreover,
14 the Commissioner does not oppose the requested relief. (Doc. 26). *See Sanchez v. Berryhill*, No.
15 1:16-cv-01081-SKO, 2018 WL 509817, at *2 (E.D. Cal. Jan. 23, 2018) (finding position of the
16 government was not substantially justified in view of the Commissioner’s assent to remand);
17 *Knyazhina v. Colvin*, No. 2:12-cv-2726 DAD, 2014 WL 5324302, at *1 (E.D. Cal. Oct. 17, 2014)
18 (same).

19 Plaintiff requests an award of \$6,300.00 in EAJA fees as authorized by 28 U.S.C. § 2412(d).
20 (Doc. 26). The Ninth Circuit maintains a list of the statutory maximum hourly rates authorized by
21 the EAJA, adjusted for increases in the cost of living, on its website.² *See Thangaraja v. Gonzales*,
22 428 F.3d 870, 876-77 (9th Cir. 2005). Even assuming Plaintiff’s counsel seeks the median of the
23 published maximum rate associated with the years (2022 through 2023) during which he engaged
24 in services in this case (which the Court computes as \$239.79), the requested award would amount
25 to approximately 26 hours of attorney time (not accounting for any paralegal time expended). The
26 Court finds this reasonable and commensurate with the number of hours an attorney would need to

27 ² *Statutory Maximum Rates Under the Equal Access to Justice*, available at
28 <https://www.ca9.uscourts.gov/attorneys/statutory-maximum-rates/> (last visited December 29,
2025).

1 have spent reviewing the certified administrative record in this case (approximately 713 pages; Doc.
2 12) and preparing a motion for summary judgment that includes seven pages of argument (Doc. 17
3 at 19-25) and a reply that includes four pages of argument (Doc. 21 at 1-4). With respect to the
4 results obtained, Plaintiff's counsel obtained a favorable judgment remanding the case for further
5 proceedings. (Docs. 23, 24).

6 EAJA fees, expenses, and costs are subject to any offsets allowed under the Treasury Offset
7 Program ("TOP"), as discussed in *Astrue v. Ratliff*, 560 U.S. 586 (2010). If the Commissioner
8 determines upon effectuation of this order that Plaintiff's EAJA fees are not subject to any offset
9 allowed under the TOP, the fees shall be delivered or otherwise transmitted to Plaintiff's counsel.

10 **Conclusion and Order**

11 Accordingly, it is HEREBY ORDERED:

- 12 1. Plaintiff's motion for attorney fees (Doc. 25) is denied as MOOT;
- 13 2. Plaintiff's stipulated request for attorney's fees pursuant to the EAJA (Doc. 26) is
14 GRANTED; and
- 15 3. The Commissioner is directed to pay to Plaintiff as the prevailing party attorney's fees in
16 the amount of \$6,300.00, pursuant to the terms set forth in the parties' stipulation. (Doc.
17 27). Fees shall be made payable to Plaintiff, but if the Department of the Treasury
18 determines that Plaintiff does not owe a federal debt, then the government shall cause the
19 payment of fees, expenses, and costs to be made directly to Plaintiff's counsel, as set forth
20 in the stipulation.

21 IT IS SO ORDERED.

22 Dated: **December 29, 2025**

23 
UNITED STATES MAGISTRATE JUDGE